

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 BANK OF AMERICA, N.A., SUCCESSOR
4 BY MERGER TO BAC HOME LOANS
5 SERVICING, LP, FKA COUNTRYWIDE
6 HOME LOANS SERVICING, LP,

7 Plaintiff,
8 vs.

9 LAKE MEAD COURT HOMEOWNERS
10 ASSOCIATION; SFR INVESTMENTS POOL
11 1, LLC; ALESSI & KOENIG, LLC,

12 Defendants.

13 SFR INVESTMENTS POOL 1, LLC, a Nevada
14 limited liability company,

15 Counter/Cross Claimant,

16 vs.

17 BANK OF AMERICA, N.A., SUCCESSOR
18 BY MERGER TO BAC HOME LOANS
19 SERVICING, LP FKA COUNTRYWIDE
20 HOME LOANS SERVICING, LP; and
21 CARLOS NEVAREZ, an individual,

22 Counter-Defendant/Cross-Defendant.

Case No. 2:16-cv-00504-GMN-NJK

**JUDGMENT BY DEFAULT AGAINST
CARLOS NEVAREZ**

23 This matter came before the Court on SFR Investments Pool 1, LLC's ("SFR") application
24 for default judgment against Cross-Defendants CARLOS NEVAREZ ("Nevarez" or "Cross-
25 Defendant). Having considered the application, including the declarations attached thereto, the
26 Court makes the following findings of fact and conclusions of law:

- 27 1. On May 14, 2016, SFR filed a Cross-Claim (ECF No. 32) for quiet title and declaratory
28 relief against Nevarez ("Cross-Claim") relating to real property located at 2092 Scanlon
Ferry, Unit 103, Las Vegas, NV 89156; Parcel No. 140-22-618-081 ("Property").
2. Cross-Defendant failed to answer the complaint within the 21-day time limit set forth in
FRCP 12. The Clerk of the Court appropriately entered a default against Nevarez on
May 30, 2018, (ECF No. 86).

3. Cross-Defendant is not incompetent, an infant or serving in the United States military.

4. SFR submitted credible evidence in support of its application in the form of documents obtained from the Official Records of the Clark County Recorder and declarations made under penalty of perjury that demonstrate prima facie grounds sufficient to enter default judgment against Nevarez.

5. Specifically, SFR's superior interest in the Property relative to any interest claimed by Nevarez is evident by the recorded notice of delinquent assessment lien, notice of default, notice of sale, and the foreclosure deed. (*See* Statutory Notices, Exs. D, E, F to Pl.'s MSJ, ECF Nos. 83-4, 83-5, 83-6); (*see also* Trustee's Deed Upon Sale, Ex. H to Pl.'s MSJ, 83-8). Because the Court held that the foreclosure sale remains intact—including SFR's purchase of the Property—and in light of SFR's evidence of its superior interest, SFR's claims against Borrower are meritorious.

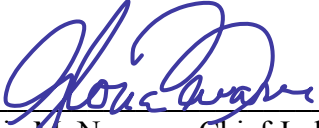
NOW, THEREFORE, pursuant to FRCP 55(b)(2), having considered the evidence and made the foregoing findings of fact and conclusions of law, and finding good cause, **IT IS HEREBY ORDERED** that Cross-Defendant Nevarez, any successors and assigns, have no right, title or interest in the Property.

IT IS FURTHER ORDERED that this judgment does not adjudicate SFR's claims against, or the defenses of, any other party to this case.

IT IS FURTHER ORDERED that, in light of the parties' representations that SFR's claims against Nevarez are the only remaining claims in this case, (ECF No. 109), the clerk of court is instructed to close this case.

IT IS SO ORDERED.

DATED this 14 day of February, 2019.



Gloria M. Navarro, Chief Judge
UNITED STATES DISTRICT COURT